

REMARKS

Applicant has carefully considered the Examiner's Office Action and acknowledges with thanks the allowance of claims 12-14 and 17-20 provided they avoid the rejections under 35 U.S.C. 112, second paragraph, as noted in the Office Action, and they include all of the limitations of the base claims as well as any intervening claims.

In view thereof, applicant has replaced claims 12, 13, and 14 by the newly-submitted claims 21, 22, and 23, respectively.

Claims 17, 18, 19, and 20 have been replaced, respectively, by claims 24, 25, 26, and 27. Claim 28 also expresses the invention in the clear and definite form required by the Examiner.

In reworking the claims, applicant has been careful to avoid the objections raised by the Examiner, as listed on page 2 of the Office Action.

In considering the prior art, the reference patent to Weykamp (U.S. 5,349,839) does not at all disclose the slots in the supplemental walls. This reference patent to Weykamp does not disclose this novel feature in the process of applicant's invention. Instead, the reference patent to Weykamp is concerned with the longitudinal shaping of hollow profiles as, for example, aluminum extrusion profiles. This is described, for example, in the specification of this reference in column 3, lines 10 to 24.

In the patent to Weykamp, the sealing member 8 is inserted in the both ends of the extrusion profile 6 which has applied to it air pressure, as also shown in Figure 2 with mandrel 8.

In column 3, lines 16 ff of the reference patent to Weykamp, there is clearly described that the member 8 seals the extrusion profile 6 to the exterior or outside, and that air pressure is introduced through inlets in the member 8 into the

interior of the extrusion profile 6. In this manner, the longitudinal shaping process is supported.

However, there is no indication in the reference patent to Weykamp, whatsoever, that the shaping of the hollow profile 6 results from the interior pressure generated by the air pressure.

Instead, the actual shaping of the hollow profile is accomplished through a shaping member 9 and this member's moving cylinder 11. This is also described in the reference patent in column 3, lines 25 to 51.

Column 3, lines 52 to 56, furthermore, describe clearly that the interior pressure in the hollow profile 6 in the reference patent to Weykamp, is exclusively used to avoid folds and wrinkles in the wall of the extrusion profile 6.

It is apparent, therefore, that the reference patent to Weykamp is not concerned with a process for shaping with high interior pressure. Instead, this reference patent is concerned with longitudinal shaping. The shaping of the hollow profile does not occur as in shaping with high interior pressure by applying to the hollow profile a high inner or interior pressure.

Instead, the shaping of the hollow profile in the reference patent is achieved through a shaping unit from the outside which is comprised of the member 9 and the cylinder 11 in the reference patent to Weykamp.

The reference patent to Weykamp, furthermore, does not disclose that when dealing with a hollow profile which exhibits supplemental inner walls, these inner walls are provided with slots. Also, the reference patent to Weykamp does not all disclose the chambers enclosed by the supplemental walls.

It is submitted, therefore, that the previously rejected claims do not read on the reference patent to Weykamp.

Applicant provides for a new improvement over the prior art.

Since the claims in the application define clearly the differences between applicant's arrangement and the prior art, it is believed that all of the claims in the application should be found allowable.

The Examiner's attention is respectfully directed to the Court decision in the case of *Bisley* (94 U.S.P.Q. 80, 86), in which the Court decided that patentability is gauged not only by the extent or simplicity of physical changes, but also by the perception of the necessity or desirability of making such changes to produce a new result. When viewed after disclosure, the changes may seem simple and such as should have been obvious to those in the field. However, this does not necessarily negate invention or patentability. The conception of a new and useful improvement must be considered along with the actual means of achieving it in determining the presence or absence of invention. The discovery of a problem calling for an improvement is often a very essential element in an invention correcting such a problem. Though the problem, once realized, may be solved by use of old and known elements, this does not necessarily negate patentability.

In the case of *ex parte Chicago Rawhide Manufacturing Company* (226 U.S.P.Q. 438), the Patent Office Board of Appeals ruled that the mere fact that a worker in the art could rearrange the parts of the reference device to meet the terms of the claims on appeal, is not by itself, sufficient to support a finding of obviousness. The prior art must provide a motivation or reason for the worker in the art, without the benefit of appellant's specification, to make the necessary changes in the reference device. The Examiner has not presented any evidence to support the conclusion that a worker in this art would have had any motivation to make the necessary changes in the reference device to render the here-claimed device unpatentable.

Furthermore, in the case of *United Merchants and Manufacturers Incorporated versus Ladd* (139 U.S.P.Q. 199), the

District Court ruled that although from simplicity of device and with advantage of hindsight, one might offhandedly be of opinion that anyone should have been able to make invention after studying prior art, claims are allowed since none of the reference discloses or suggests the concept which is the crux of the invention.

Finally, in the case of Meng and Driessen (181 U.S.P.Q. 94), the Court ruled that progress in crowded arts, usually made in small increments, is as important as it is in arts at the pioneer stage; constitution envisages and seeks progress in useful "arts," not just in those more esoteric or scientific.

In view of the amendments to the claims, and in view of the preceding remarks, it is respectfully requested that the claims in the application be allowed and the case be passed to issue.

Should the Examiner require or consider it advisable to amend the specification and/or claims further in formal respects to place the application in condition for final allowance, then it is respectfully requested that such amendments be carried out by Examiner's Amendment, through a phone call to applicant's representative, and the case passed to issue.

I hereby certify that this document is a true and correct copy of the original as submitted to the United States Patent Office as stated above and is an accurate translation of the original in English and French.

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